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H.419

Introduced by Representatives Grad of Moretown and LaLonde of South  
Burlington

Referred to Committee on

Date:

Subject: Crimes; criminal threatening

Statement of purpose of bill as introduced: This bill proposes to create an  
enhanced penalty for criminal threatening with the intent to threaten any  
civilian population with mass destruction, mass killings, or kidnapping.

An act relating to criminal threatening

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 13 V.S.A. § 1702 is amended to read:

§ 1702. CRIMINAL THREATENING

(a) A person shall not by words or conduct knowingly:

(1) threaten another person; and

(2) as a result of the threat, place the other person in reasonable  
apprehension of death or serious bodily injury.

(b) A person who violates subsection (a) of this section shall be imprisoned  
not more than one year or fined not more than \$1,000.00, or both.

1           (c)(1) A person who violates subsection (a) of this section with the intent to  
2 prevent another person from reporting to the Department for Children and  
3 Families the suspected abuse or neglect of a child shall be imprisoned not more  
4 than two years or fined not more than \$1,000.00, or both.

5           (2) A person who violates subsection (a) of this section with the intent to  
6 threaten any civilian population with mass destruction, mass killings, or  
7 kidnapping shall be imprisoned not more than five years or fined not more than  
8 \$10,000.00, or both.

9           (d) As used in this section:

10           (1) “Serious bodily injury” shall have the same meaning as in section  
11 1021 of this title.

12           (2) “Threat” and “threaten” shall not include constitutionally protected  
13 activity.

14           (e) Any person charged under this section who is under 18 years of age  
15 shall be adjudicated as a juvenile delinquent.

16           (f) It shall be an affirmative defense to a charge under this section that the  
17 person did not have the ability to carry out the threat. The burden shall be on  
18 the defendant to prove the affirmative defense by a preponderance of the  
19 evidence.

20           Sec. 2. EFFECTIVE DATE

21           This act shall take effect on passage.